

**Preliminary Amendment filed March 30, 2006  
U.S. Patent Application Serial No. 10/731,405**

**REMARKS**

As indicated above, this is a Preliminary Amendment concurrently filed with the RCE of the above-captioned patent application.

Claims 1 - 6 are currently pending in this patent application, claim 1 being the sole independent claim.

Claim 1 has been amended in order to more particularly point out and distinctly claim the subject matter to which the applicants regard as their invention.

In response to the applicants' Response filed on February 8, 2006, in response to the final Action dated November 8, 2006, the Examiner mailed an Advisory Action dated February 17, 2006. On March 1, 2006, the applicants' undersigned representative conducted a telephone interview with the Examiner. The applicants' undersigned representative thanks the Examiner (Mr. Dennis H. Pedder) for taking the time to conduct the telephone interview, and for the courtesy extended to him by Mr. Pedder during the interview.

Discussed during the interview is the fact that the applicants' elastic body 30 in the attenuation mechanism 25 abuts against the floor frame 3 of the cab 2, as shown in the applicants' Figure 1. That is, the applicants' regulation member 26A has the stopper 38 abutting against the upper face 43 of the acceptance plate 41 when the cab is displaced upward. Illustrated in the applicants' Figure 1, if the cab is displaced downward, the downward movement is regulated by the abutting of the elastic body onto the floor frame 3 of the cab 2.

However, as discussed in lines 5 - 8, page 22 of the applicants' specification, it is the lower face of the bottom frame 3 that abuts against the upper face 46 of the upper wall 15a when the cab 2 is displaced in a direction approaching the vehicle frame 1.

Accordingly, the applicants have highlighted the separate members of the applicants' regulation member 26, 26A that regulate the movement of the cab 2 when displaced upward or downward; that is, in Bauer, the arm 28 having the slot 44 is a unitary member. That is, independent claim 1 now highlights the separate parts that regulate the upward or downward movement of the cab 2; i.e., the claimed regulation member having separate members that regulate the opposing directions of cab movement.

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In view of the above, the applicants submit that not all of the claimed elements, as now set forth in independent claim 1, are found in exactly the same situation and united in the same way to perform the identical function in Bauer's apparatus. Thus, there can be no anticipation under 35 USC §102(b) of the applicants' claimed cab supporting structure, now set forth in claim 1, based on Bauer.

Further, claims 2 - 4 and 6 depend on claim 1, and further limit the scope of claim 1. Thus, at least for the reasons set forth above with respect to claim 1, claims 2 - 4 and 6 should now be similarly allowable.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Bauer is in order, and is again respectfully solicited.

Furthermore, the secondary references do not teach the above-discussed deficiency or drawback of Bauer in failing to fully meet the applicants' claimed invention. Thus, even if, *arguendo*, the teachings of the secondary references can be combined with the teachings of Bauer, such combined teachings would still fall far short in fully meeting the applicants' claimed, as now set forth in independent claim 1 from which claims 4 and 5 depend. As such, a person of ordinary skill in the art would not have found the applicants' claimed invention obvious under 35 USC §103(a) based on Bauer in view of "Applicant's admission (Figs. 17 and 20)" or Keehner (of record).

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Thus, the withdrawal of the outstanding rejections under 35 USC §103(a) based on Bauer in view of “Applicant’s admission (Figs. 17 and 20)” or Keehner (of record) is in order, and is again respectfully solicited.

The above amendments are believed to place the claims in proper condition for examination. Early and favorable action is awaited.

In the event that any fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

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